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SUBJECT: SPAIN'S INTELLECTUAL PROPERTY TRAINING, NEEDS AND BEST PRACTICES

REF: Secstate 42798

1. There is a significant amount of intellectual property (IP) training and education in Spain sponsored by government ministries, police entities, and industry groups. To add to GOS efforts, we have arranged working breakfasts, roundtables, and lunches with the active participation of government representatives, police contacts, and intellectual property professionals to discuss policies and strategies to combat piracy.

2. Answers are queued to reftel questions:

A.1 N/A

A.2 The Spanish Ministries of Culture (where the Copyright Office is located) and Science and Technology (where the Patent and Trademark Office is located,) through an Inter-Ministerial Intellectual Property Rights Committee have conducted or sponsored a number of IP-related seminars and courses to inform and train judges, prosecutors, police, and experts, and at times, government officials from Latin America or the EU enlargement countries. The Inter-Ministerial Committee annual report for 2002 (the latest available) lists a variety of IP training programs conducted with GOS involvement. Examples include:

- The Spanish Patent and Trademark Office (OEPM is the acronym in Spanish) arranged a seminar about patent and trademark law for judges and prosecutors from Latin America.

- The Studies Center for the Development of Investigation, in collaboration with the Ministry of Science and Technology, organized a series of 10 conferences to analyze the impact of new technologies on IP.

- OEPM carried out several different seminars in collaboration with WIPO and the European Patent Office to train Latin American officials on legal, administrative and economic aspects of patent and trademark protection.

- The Ministry of Justice organized a seminar on legal aspects of IP protection in the EU during Spain's 2002 EU Presidency.

- Since 1996, the Ministry of Culture has been working with the Spanish Judiciary Counsel on courses for judges and prosecutors. Thus far 149 professionals have participated.

- Spanish Customs Officials made presentations at seminars organized by the EU to help train candidate country officials on IP issues.

- In 2002 the National Police included intellectual property issues in training courses in which over one thousand officers have participated.

IP industry groups in Spain are also extremely active. They have developed numerous roundtables, seminars and courses for the police, judges, and/or prosecutors about intellectual property and piracy, copyright laws, and IP in the EU. Events take place in all over Spain.

B.1 On a more or less annual basis, the Spanish Association of Authors and Publishers (Sociedad General de Autores y Editores, SGAE) conducts a two-day international seminar about intellectual property rights protection. We attended the November 2002 seminar and found it extremely effective. Spanish and international speakers successfully highlighted the need for fighting piracy. A roundtable about the activities of the various Spanish police forces against IP crimes was particularly informative. Members of Parliament and the then-Minister of Justice also participated. The effect of the conference was multiplied as the domestic press carried over a dozen articles on IP issues as a result of the conference.

B.2 We believe the type of seminar described in B.1 is especially useful as the high-level participants ensure diffuse media coverage and a high turnout. More technical segments are also targeted at the audience of interested IP industry representatives and government officials.

B.3 In November 2003, Assistant Secretary of Commerce for Market Access and Compliance, William H. Lash, III, raised IP issues with senior-level officers at the Ministry of Culture, at the Presidency of the Government, and the Ministry of Economy. He also led an IPR roundtable with industry associations.

In July 2003, Embassy Madrid invited AOL-Time Warner's Vice President and Associate General Counsel for Intellectual Property Policy, Shira Perlmutter, and the Vice President for Legal and Public Policy, Alessandra Silvestri, to discuss strategies to combat IP piracy with a wide range of Spanish contacts. One event brought in over 40 senior-level government officials, lawyers, and private association representatives. The two speakers also met separately with eight senior government and law enforcement officials.

In 2000, Embassy Madrid hosted a breakfast roundtable, a working lunch and a meeting on IPR issues in which over 40 Spaniards participated. Participants were senior-level representatives from industry associations and the national government. Deputy Assistant USTR for Intellectual Property, Claude Burcky, and attorney-advisor at the United States Copyright Office, Rachel Goslins, led all the meetings. The U.S. Consulate General in Barcelona hosted similar events.

C.1 Post believes the IV program can be extremely useful to introduce host country officials to the most innovative U.S. strategies to fight IP infringement. In FY 2002 two Spanish contacts (a university law professor and a mid-level copyright office functionary) participated in IP-specific IV programs in the U.S. In FY 2004, another mid-level copyright office official and two judges will participate in a similar program.

We have proposed, for FY 2005, a special IV program to train national police, local police and civil guard officers in the newest strategies to fight IP infringement.

ARGYROS